

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

2014 'T' Street, Suite 210, Sacramento, CA 95814-5212
(916) 227-2873 TTY (800) 700-2320 Fax (916) 227-2870
www.dfeh.ca.gov



FOR IMMEDIATE RELEASE
July 26, 2000

CONTACT: DIA S. POOLE
PHONE: (916) 227-2873

**CALIFORNIANS CELEBRATE 10TH ANNIVERSARY OF
AMERICANS WITH DISABILITIES ACT**

SACRAMENTO - More than six million residents of the state of California will join with persons with disabilities around the country this Wednesday to celebrate the 10th anniversary of the signing of the Americans with Disabilities Act (ADA). In proclaiming July 26, 2000, as "Americans With Disabilities Act Day," Governor Davis once again stated his support for the Act and reassured California residents of the state's commitment to equal access for persons with disabilities.

"California's citizens with disabilities are an important and integral part of our society," Governor Davis said, "making significant contributions to the growth and progress of this Great State."

The California Department of Fair Employment and Housing (DFEH) is the state agency charged with enforcing the ADA. As such, DFEH provides technical assistance to employers, businesses, housing providers, and the public-at-large to resolve complaints and encourage voluntary compliance with the ADA. Voluntary efforts may include establishing anti-discrimination policies, offering education and training to managers and employees, and by mediating conflicts to avoid costly litigation.

For the past ten years, the ADA has protected Americans against discrimination in employment, education, public transportation, telecommunications, and accommodations and commercial facilities. Coupled with the state's own stringent civil rights statutes, contained in the Fair Employment and Housing Act (FEHA), the estimated 6.6 million Californians with some form of disability attain the goal of participating in mainstream activities and overcoming physical and mental challenges.

During Governor Davis' tenure, the FEHA has been further strengthened. Last year, the Act was amended to require reasonable accommodations for conditions related to pregnancy and prohibiting genetic testing for the purpose of denying employment. The result is a body of state law that is considered broader than provisions of the ADA – to the benefit of Californians with disabilities, their families, and their communities.

While California strengthened anti-discrimination statutes, the state has also gained a reputation as a powerhouse for enforcing state and federal laws. California has protected the physically disabled from discrimination since 1973, predating federal law by about twenty years. DFEH has for many years been among the leading state government civil rights agencies in relation to enforcement efforts focused on preventing discrimination or obtaining appropriate remedies for victims of disability discrimination in the areas of employment, housing, and public accommodations.

(more)

In many cases, the DFEH negotiates remedies that extend beyond monetary compensation and include significant improvements in public policy and standard practices. Consider the case of a senior disabled golfer who was denied use of a golf cart at a country club run by the homeowners' association at his senior citizens complex. The San Diego County Superior Court settlement ordered the club to adopt policies allowing the use of golf carts by disabled golfers at the complex that housed more than 2,500 senior residents. In addition, the club's management was ordered to adopt written fair housing policies for all residents and to provide annual training in fair housing laws for employees and members of the board of directors.

The FEHA was further amended in 1993 to expand protections to include mental disabilities, presenting yet another opportunity to affect public opinion and public policy. In May of this year, DFEH settled a \$425,000 claim, the largest individual settlement in the 50-year history of the department, on behalf of a former Tulare County employee with a mental disability. The 57-year-old program manager was denied the reasonable accommodations that would have allowed her to return to work, forcibly retired, and permanently barred from County employment. Here again, the terms of the settlement included an agreement by the County to adopt and implement a policy regarding mental disability discrimination and to conduct training for all supervisors and managers on that policy.

Overall, California is responsible for investigating and prosecuting one-fourth of the country's total complaints brought on behalf of persons who are victims of wrongful employment practices, including those who have faced discrimination due to physical or mental disability. In 1999, more than 5,700 complaints were filed with DFEH alleging discrimination due to physical or mental disability or a medical condition related to cancer – more than twice the number filed in 1992 before FEHA was amended to include mental disability.

However, as important as diligent enforcement is, this administration believes strongly in prevention through education. The FY 2000-01 budget created the Public Information and Technical Assistance Unit within the department to develop and implement education, outreach and prevention programs, including specialized assistance to small businesses and to underserved populations throughout the state. While the ADA has become more accepted by businesses, it is DFEH's responsibility to ensure business owners know what they can and should do to meet their legal obligation. We intend to do so including sponsoring more regional seminars on the current state of the law.

"The Public Information Unit will allow DFEH to expand and focus its outreach efforts to prevent discriminatory practices," said DFEH director Dennis Hayashi. "The unit will work hand-in-hand with the department's enforcement operations to give employers, housing providers and businesses accurate information regarding their responsibilities under the law and to reassure the public of their rights and the remedies available to them should they be faced with barriers that deny them equal access."

Although only ten years old, the ADA has measurably improved the quality of life for millions of Californians and Americans. As we celebrate this achievement, we are rededicating ourselves to ensuring continued progress. *Happy Anniversary!*

For more information about DFEH, call the Communications Center at (800) 884-1684 or visit their website at www.dfeh.ca.gov

PR-07